

EPSTEIN
BECKER
GREEN

Attorneys at Law

Traycee Ellen Klein
t 212.351.4812
f 212.878.8612
tklein@ebglaw.com

December 28, 2023

VIA ECF

The Honorable Jessica G.L. Clarke
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007

Re: Dwulit v. Tactical and Scrapefix and Deer Management Systems LLC A/K/A/ Deer
Management Systems LLC D/B/A/ Tactacam, Inc.
Case No.: 23-cv-08778 (JGLC)(SN)

Dear Judge Clarke:

Happy holidays. We represent Deer Management Systems LLC ("DMS") and Tactacam LLC ("Tactacam"), one or both intended Defendants in the above erroneously captioned action. We write to request that the initial pretrial conference scheduled for January 4, 2024, and the associated deadlines, be adjourned and held in abeyance pending decisions on Defendants' pending Motion to Dismiss (ECF No. 8) and Letter Motion (ECF Nos. 21, inclusive of a decision on the proposed Order filed at 21-1). As the Court is aware, the Motion to Dismiss, and the related Letter Motion, concern, among other things, lack of personal jurisdiction, insufficient process and insufficient service of process, warranting dismissal under FRCP12(b)(2), 12(b)(4) and 12(b)(5), respectively. In light of the lack of personal jurisdiction and the other deficiencies, which Plaintiff has conceded, we believe an adjournment is warranted, as it would be unfair, as well as antithetical to the concept of limited jurisdiction, to require DMS and Tactacam to further participate in this matter pending a determination on the pending Motion to Dismiss. This is the first request for an adjournment.

We are unable to advise the Court if Plaintiff consents to this request. As the Court knows, Plaintiff is represented by Ashley Cohen, Esq. On December 7, 2023, the undersigned sent an email to Ms. Cohen, writing that in light of the pending motion to dismiss and the application, it seemed that it would be a complete waste of resources and time for all involved (the parties, the attorneys and the Court) at this point to have the Rule 26(f) meet and confer and the January 4, 2024, Rule 16 Conference. In the December 7, 2023, email the undersigned asked Ms. Cohen to advise if she wanted to put in a joint request that pending resolution of the motion to dismiss and the pending letter application, that the parties jointly request that the meet and confer and the Rule 26(f) conference be adjourned until resolution of the pending matters. Ms. Cohen was also advised in the email that the last day for the parties to confer was one week from the date the email was

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sent, and, as such, it was requested that respond to the email by no later than the close of business December 8, which would ensure that the parties were not ignoring their professional obligations. To date, Ms. Cohen has not responded to the December 7, 2023, email. In addition to not responding to the email, Ms. Cohen has also not done anything to comply with the Federal Rule's meet and confer requirements and she has not taken any steps to comply with the Court's Order of October 12, 2023 (ECF No. 7, the Notice of Initial Pretrial Conference).

Other than the January 4, 2024, initial pretrial conference, and the associated deadlines set forth in ECF No. 7, there are no other scheduled dates pertaining to this matter.

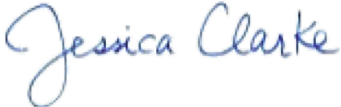
For the reasons set forth above, on behalf of DMS and Tactacam, it is respectfully requested that the initial pretrial conference scheduled for January 4, 2024, be adjourned and held in abeyance pending determinations as to, *inter alia*, whether there was insufficient process, whether there was insufficient process of service, and whether there is personal jurisdiction.

Respectfully submitted,

/s/ Traycee Ellen Klein
Traycee Ellen Klein

Application GRANTED. The initial pretrial conference, scheduled for January 4, 2024, is hereby adjourned *sine die*.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: December 29, 2023
New York, New York